

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

*M.B., a minor, by and through her
guardian ad litem Brett Brashears,*

Plaintiff,

v.

COUNTY OF BUTTE, et al.,

Defendants.

No. 2:23-cv-01977-DAD-SCR

ORDER GRANTING THE PARTIES’
STIPULATION TO EXTEND DATES AND
DEADLINES AND DENYING PLAINTIFF’S
APPLICATION FOR LEAVE TO FILE
DECLARATION UNDER SEAL

(Doc. No. 43, 44)

On February 4, 2025, the parties filed a joint stipulation and request to extend all dates and deadlines in this case in light of plaintiff’s lead counsel, attorney McMillan, suffering a medical emergency. (Doc. No. 43 at 2.) Plaintiff represents that Mr. McMillan underwent surgery on January 29, 2025 and that at the moment, the length of his recovery period is unknown but will be at a minimum several weeks and may last several months, particularly if complications arise. (*Id.*) Plaintiff represents that attorney McMillan has conducted and defended every deposition in this case but is unable to prepare for or conduct the depositions scheduled in the case for this month. (*Id.*) Accordingly, the parties propose an approximate four-month extension to all dates and deadlines. (Doc. No. 43 at 4.)

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1 Plaintiff asserts that the representations regarding Mr. McMillan's health are supported by
2 his declaration (the "McMillan declaration"). (Doc. No. 43 at 2.) Plaintiff has filed a separate
3 application for leave to file the McMillan declaration under seal for *in camera* review, as it
4 "contains additional personal medical information and private details." (Doc. No. 44 at 2.)
5 Plaintiff also notes that the joint stipulation already "provides sufficient details regarding Mr.
6 McMillan's emergent circumstances, medical condition, and the medical reasons to support a
7 continuance." (*Id.*) Defendants state that they have not reviewed the McMillan declaration, but if
8 it supports plaintiff's representations, "then [d]efendants agree that there is good cause to support
9 the continuance request." (Doc. No. 43 at 3.)

10 The court finds that plaintiff's assertions regarding attorney McMillan's medical condition
11 are sufficient to demonstrate the existence of good cause to extend the case scheduling deadlines.
12 The court has no reason to doubt plaintiff's representations and has no need to view the
13 "additional personal medical information and private details" for which plaintiff seeks leave to
14 file under seal. (Doc. No. 44 at 2.)

15 Accordingly,

- 16 1. Good cause appearing, the court GRANTS the parties' request to extend dates and
17 deadlines (Doc. No. 43) as follows:
 - 18 a. Fact discovery shall be completed by November 20, 2025;
 - 19 b. Expert disclosures shall be completed by December 9, 2025;
 - 20 c. Rebuttal expert disclosures shall be completed by January 20, 2026;
 - 21 d. Expert discovery shall be completed by February 23, 2026;
 - 22 e. All motions, except for motions for continuances, temporary restraining
23 orders or other emergency applications shall be filed no later than April 13,
24 2026;
 - 25 f. The Final Pretrial Conference previously set for May 26, 2026 is RESET
26 for September 28, 2026 at 1:30 PM before Judge Drozd by Zoom; and

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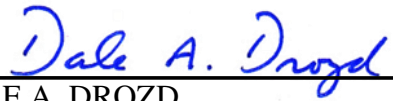
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1 g. The Jury Trial previously set for August 3, 2026 is RESET for
2 December 1, 2026 at 9:00 AM in Courtroom 4 before District Judge Dale
3 A. Drozd; and

4 2. Plaintiff's request for leave to file a declaration of attorney McMillan under seal
5 (Doc. No. 44) is DENIED as unnecessary.

6 IT IS SO ORDERED.

7 Dated: February 5, 2025


8 DALE A. DROZD
9 UNITED STATES DISTRICT JUDGE
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